

Original Filed 4/20/2007

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CATHY ENWERE,

Plaintiff,

v.

TERMAN APARTMENTS, LP, d/b/a G & K
Management Co.

Defendant.

Case Number C 07-1239 JF

ORDER¹ REFERRING ACTION TO
FEDERAL *PRO BONO* PROJECT

[re: docket no. 10]

On March 1, 2007, Plaintiff, proceeding *pro se*, filed a complaint alleging racial discrimination in housing. The complaint consists of factual allegations in narrative form. The crux of Plaintiff's allegations is that she made an appointment to see an apartment, but that when she arrived for the appointment and Defendant became aware of her race, Defendant refused to show her the apartment. On March 16, 2007, Plaintiff moved for the appointment of counsel. In exceptional circumstances, the Court has discretion to request counsel to provide *pro bono* representation to a plaintiff proceeding *in forma pauperis*. *Terrell v. Brewer*, 935 F.2d 1015,

¹ This disposition is not designated for publication and may not be cited.

1 1017 (9th Cir. 1991). A finding of exceptional circumstances requires an evaluation of (1) the
2 likelihood that the plaintiff's claims will succeed on the merits and (2) the ability of the plaintiff
3 to articulate his or her claims *pro se* in light of the complexity of the legal issues involved. *Id.*

4 The Court concludes that it should request the appointment of *pro bono* counsel. It
5 appears that Plaintiff's claims may have merit and that Plaintiff has a limited ability to bring
6 these claims *pro se*. Accordingly, Plaintiff's case will be referred to the Federal Pro Bono
7 Project, which will endeavor to locate an attorney willing to represent Plaintiff. The Clerk of the
8 Court is directed to send a copy of the file to the Federal Pro Bono Project, attention Elizabeth
9 Strickland, 4 North Second Street, Suite 400, San Jose, CA 95113.

10 Plaintiff is advised that she remains responsible for litigating this action, complying with
11 all Court orders, and appearing for all scheduled hearings until such time as the Federal Pro Bono
12 Project locates an attorney to represent Plaintiff. Plaintiff further is advised that the Federal Pro
13 Bono Project might not be able to locate an attorney willing to represent Plaintiff, in which case
14 Plaintiff will be required to continue litigating the action herself or retain counsel at her own
15 expense.

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17 IT IS SO ORDERED.

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19 DATED: April 20, 2007.

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23 JEREMY FOGEL
24 United States District Judge
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1 This Order has been served upon the following persons:

2 Cathy Enwere

3 1263 Madura Ave.
4 Menlo Park, CA 94025